IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2896 OF 2005

Murlidhar Bhanudas Gaikwad(deceased)
through his legal heirs & representatives,
1a. Shivdas Murlidhar Gaikwad & Ors. ...Petitioners

Versus

Kusum Ramchandra Aradhye ...Respondent.

Shri S.P.Thorat, for the Petitioners.
Shri Vilas B. Tapkir, for the Respondent.

CORAM : ANOOP V. MOHTA, J.

DATE : 19TH DECEMBER, 2005

P.C. :

1. The petitioners by this Writ Petition have challenged the impugned order dated 02-03-2005 passed by the Joint Civil Judge, Senior Division, Pandharpur below Exh.100 in Reg.Civil Suit No.93/2004 (original Reg.C.S.No.184/1998), whereby the application under Order 23 of the Code of Civil Procedure filed by the petitioners for adding them as the legal representatives of deceased defendant, was rejected.

2. There is an undisputed position on record that these petitioners' predecessor entered into the compromise and the same has been recorded by the Court. Now, this application for adding them as a party in such proceeding on the various grounds, even if, it

cannot be taken note of, as admittedly these petitioners have already filed a Suit being Reg.C.S.No.533/2001 for declaration that the compromise decree in question was obtained illegally.

3. In view of this, by keeping all the points open as raised in the present application, I see there no reason to interfere with the order passed by the Court.
The application, therefore, was rightly rejected.

4. Taking this into account, this Writ Petition is dismissed.

5. Interim orders stands vacated.

(ANOOP V. MOHTA, J.)